

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>UNITED STATES OF AMERICA</b>	§	
	§	<b>Case No. 4:22-cr-612</b>
<b>v.</b>	§	
	§	<b>The Honorable Andrew S. Hanen</b>
<b>DANIEL KNIGHT, <i>et al.</i></b>	§	
	§	
<b>Defendants.</b>	§	

**Unopposed Motion to Continue Sentencing Pending Appeal**

The United States, by and through undersigned counsel, respectfully moves for a continuance of Defendant Daniel Knight's sentencing until the resolution of an appeal in this matter. Counsel for Defendant Knight confirmed he is unopposed to this Motion.

Defendant Knight was charged with securities fraud (18 U.S.C. § 1348) and conspiracy to commit securities fraud (18 U.S.C. § 1349) by the Superseding Indictment dated February 8, 2023. (ECF No. 134.) On March 27, 2023, Defendant Knight entered a plea of guilty pursuant to a plea agreement to the charge of conspiracy to commit securities fraud. (ECF No. 221.)

On March 20, 2024, this Court dismissed the Superseding Indictment based on the Court's reading of two intervening cases, *United States v. Ciminelli*, 598 U.S. 306 (2023), and *United States v. Greenlaw*, 84 F.4th 325 (5th Cir. 2023). (ECF No. 628.) Both decisions were issued after the Superseding Indictment and Defendant Knight's plea. On April 4, 2024, the United States noticed its intent to appeal the Court's May 20, 2024 Order. (ECF No. 644).

Given the Court's stated views on the viability of the Superseding Indictment under Section 1348 and the conduct to which Defendant Knight pleaded guilty, (*see* ECF No. 642 at 2–3), all parties would benefit from the anticipated guidance from the United States Court of Appeals for the Fifth Circuit before proceeding.

For the foregoing reasons, the United States respectfully requests that the Court continue Defendant Knight's sentencing pending the resolution of the appeal to the Fifth Circuit.

Dated: April 8, 2024

Respectfully submitted,

GLENN S. LEON  
Chief, Fraud Section  
Criminal Division, Department of Justice

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**CERTIFICATE OF CONFERENCE**

I hereby certify that on April 8, 2024, the United States conferenced with counsel for Defendant Knight, who indicated he is unopposed to this Motion.

/s/ John J. Liolos  
John J. Liolos, Trial Attorney  
U.S. Department of Justice  
Criminal Division, Fraud Section

**CERTIFICATE OF SERVICE**

I hereby certify that on April 8, 2024, I will cause the foregoing motion to be electronically filed with the Clerk of the Court using the CM/ECF system, which will provide copies to counsel for all parties.

/s/ John J. Liolos  
John J. Liolos, Trial Attorney  
U.S. Department of Justice  
Criminal Division, Fraud Section